

**ORIGINAL**

AO 245B (Rev. 12/03) Sheet 1 - Judgment in a Criminal Case

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII**United States District Court  
District of Hawaii**

APR 05 2005

at 2 o'clock and 15 min. P.M.  
WALTERA Y. SHINN, CLERKUNITED STATES OF AMERICA  
v.

SCHLUSSEL REEDEREI KG

**JUDGMENT IN A CRIMINAL CASE**

(For Offenses Committed On or After November 1, 1987)

Case Number: 1:04CR00477-01

USM Number:

Brook Hart, Esq.

Defendant's Attorney

USA  
USM  
PTS  
USPO**THE DEFENDANT:**

- ☒ pleaded guilty to count(s): 1 & 2 of the Information.
- ☐ pleaded nolo contendere to counts(s) \_\_\_ which was accepted by the court.
- ☐ was found guilty on count(s) \_\_\_ after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18 U.S.C. §1001 (a) (3)	False writing and document	11/1/2004	1
33 U.S.C. §1908(a), and Title 33, CFR, §151.25	Fail to maintain an Oil Record Book	11/2004	2

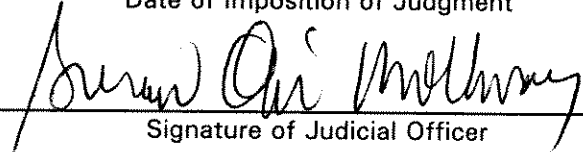
The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has been found not guilty on counts(s) \_\_\_ and is discharged as to such count(s).
- ☐ Count(s) \_\_\_ (is)(are) dismissed on the motion of the United States.

It is further ordered that the defendant must notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

March 24, 2005

Date of Imposition of Judgment



Signature of Judicial Officer

**SUSAN OKI MOLLWAY, United States District Judge**

Name &amp; Title of Judicial Officer

4/2/05

Date

AO 245B (Rev. 12/03) Sheet 4 - Probation

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### PROBATION

The defendant is hereby placed on probation for a term of 2 YEARS

The defendant shall not commit another federal, state, or local crime.

The defendant shall not illegally possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of commencement of supervision and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check if applicable.)
- ☐ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon (Check if applicable.)
- ☐ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check if applicable.)

If this judgment imposes a fine or restitution, it is a condition of probation that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

#### STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow instructions of the probation officer;
- 4) the defendant shall support his or her dependants and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

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### **SPECIAL CONDITIONS OF SUPERVISION**

#### **CONDITIONS:**

1. That the defendant not commit any crimes, federal, state, or local.
2. That the defendant is subject to all the standard conditions of being supervised except personal reporting and such other conditions as are practicable only with respect to individuals.
3. That the defendant conduct all of its operations in accordance with the MARPOL protocol and promptly report any violations of laws of the United States, whether federal, state, or local, or any citations by the United States Coast Guard for MARPOL violations to the Probation Office.
4. That the defendant develop, implement, adopt, and fund an environmental management system compliance plan to augment its existing safety management system, and in that regard be responsible for all of the costs associated with the development, implementation, maintenance, and monitoring of the environmental management system compliance plan. The defendant shall hire an independent monitor to be approved by the United States Attorney's Office to oversee the development and implementation of this plan. The defendant shall provide the United States Attorney's Office with a proposed plan for its approval and, once that plan has been approved, the independent monitor shall oversee the implementation of the plan. The defendant must provide the United States Attorney's Office with access to all vessels listed in the plan and to all facilities, employees, and records relevant to monitoring compliance with the plan. If the defendant changes its name, then the newly named company is still bound by all the terms of the plan. Any vessel that the defendant manages and that comes within the territorial jurisdiction of the United States is included in the scope of the plan. If the defendant ceases to manage a vessel or to own a vessel, then that vessel will not be subject to this plan.
5. That probation will begin from the earlier of the date the independent monitor certifies to the United States Attorney's Office that implementation of the plan is complete or the date of sentencing. If, during the period of probation, the independent monitor verifies that the defendant has refitted all of the vessels that are subject to the plan with new systems that limit discharge of oil to five parts per million, then, assuming the defendant is otherwise complying with all the terms of probation, the defendant may move to reduce probation by 90 days.
6. That the defendant provide the United States Attorney's Office and the Probation Office with notice immediately of any name change, business reorganization, sale, or divestiture that affects its ability to pay the fine or affects this agreement and the earlier environmental management plan that was discussed.

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7. That the fine of \$750,000.00 is payable in full immediately, with \$500,000.00 payable to the United States Treasury and \$250,000.00 (i.e., \$125,000.00 of the \$375,000.00 fine for Count 1 and \$125,000.00 of the \$375,000.00 fine for Count 2) reserved and used for community service as approved by the United States Attorney's Office. The money reserved for community service shall fund one or more projects for the benefit, preservation, and restoration of the environment and ecosystems in United States waters along the Hawaii coastline.
8. That the defendant take no action to seek to avoid the obligations and conditions set forth in its plea agreement. The plea agreement binds all the companies listed in the plea agreement.

AO 245 S (Rev. 12/03) Sheet 5, Part B - Criminal Monetary Penalties

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## CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
Totals:	\$ 800.00	\$ 750.000	\$

☐ The determination of restitution is deferred until . An Amended Judgment in a Criminal Case (AO245C) will be entered after such a determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. §3664(i), all non-federal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
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TOTALS	\$ _	\$ _	
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☐ Restitution amount ordered pursuant to plea agreement \$ \_

☐ The defendant must pay interest on restitution and a fine of more than \$2500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. §3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. §3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

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## SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A** ☐ Lump sum payment of \$ \_ due immediately, balance due  
☐ not later than \_ , or  
☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below, or
- B** ☒ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☒ F below); or
- C** ☐ Payment in equal \_ (e.g., weekly, monthly, quarterly) installments of \$ \_ over a period of \_ (e.g., months or years), to commence \_ (e.g., 30 or 60 days) after the date of this judgment ; or
- D** ☐ Payment in equal \_ (e.g., weekly, monthly, quarterly) installments of \$ \_ over a period of \_ (e.g., months or years), to commence \_ (e.g., 30 or 60 days) after the release from imprisonment to a term of supervision; or
- E** ☐ Payment during the term of supervised release will commence within \_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F** ☒ Special instructions regarding the payment of criminal monetary penalties:  
 That the fine of \$750,000.00 is payable in full immediately, with \$500,000.00 payable to the United States Treasury and \$250,000.00 (i.e., \$125,000.00 of the \$375,000.00 fine for Count 1 and \$125,000.00 of the \$375,000.00 fine for Count 2) reserved and used for community service as approved by the United States Attorney's Office. The money reserved for community service shall fund one or more projects for the benefit, preservation, and restoration of the environment and ecosystems in United States waters along the Hawaii coastline.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the Clerk of the Court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number, Total Amount, Joint and Several Amount, and corresponding pay, if appropriate.

☐ The defendant shall pay the cost of prosecution.

☐ The defendant shall pay the following court cost(s):

☐ The defendant shall forfeit the defendant's interest in the following property to the United States: